

REMARKS/ARGUMENTSDrawings

Formal drawings are being filed concurrently with this response.

Claim Objections

Claim 14 is objected to. In particular, the Examiner states “wherein the at least some of the” language in claim 14 is grammatically incorrect. Applicant disagrees.

In particular, the article “the” is employed after the word “wherein” in order to match the usage of the phrase “at least some of the . . .” to the antecedent basis for this phrase in claim 11. Without the article “the,” it could be ambiguous whether the phrase in claim 14 is referring to the same phrase in claim 11.

If the Examiner continues to object to claim 14, then Applicant respectfully requests the Examiner to suggest an amendment that would be considered to correct the alleged informality.

Obviousness Rejection -- Claim 1-14, Willis in view of Srivastava and Bigo

Claims 1-14 are rejected as being obvious. The Examiner employs Willis as a primary reference. The Examiner contends that Srivastava and Bigo disclose features not present in Willis. Finally, the Examiner contends that would be obvious to modify the Willis reference in view of Srivastava and Bigo.

Applicant respectfully traverses the rejection. First, Applicant disagrees that the combination of disclosures yields what is claimed. Furthermore, Applicant disagrees that the Examiner has stated a proper motivation to combine the references. As a result, the Examiner has failed to meet the burden of making a *prima facie* case of obviousness.

We first address our disagreement that the combination of disclosures yields what is claimed. The Examiner indicates that Willis discloses “write queue computer readable program code means associated with each service program code means that queues write requests from the service program code means to write determined simulated attributes to the object database.” The Examiner apparently considers the “compiler” disclosed by Willis to be the “computer program product for use with a computer system to execute a simulation” as recited in claim 1.

If the Examiner considers the “compiler” disclosed by Willis to be the “computer program product for use with a computer system to execute a simulation” as recited in claim 1, then the cited “queues” are not part of the simulation program at all. Rather, the cited “queues” are objects representing queues in the program being compiled. See, e.g., col. 6, lines 44-60. The cited “queues” do not queue write requests from service program code means to write determined simulated attributes to an object database.

With regard to Srinivasta, the Examiner alleges that Srinivasta discloses “configured to collectively determine simulated attributes of objects of an environment under simulated operation.” However, perhaps tellingly, the only portion of Srinivasta text cited by the Examiner does not discuss “simulated attributes” or “simulated operation.” The Examiner cites a number of figures, but does not point to any particular figures that is alleged to disclose or otherwise discuss “simulated attributes” or “simulated operation.”

Furthermore, Applicant also disagrees with the Examiner’s characterization of Bigo -- that it discloses “rate independent service program code means.” In the first place, the “service program code means” recited in claim 1 are not just any “service program code means.” Rather, the “service program code means” recited in claim 1 are “configured to collectively determine simulated attributes of objects of an environment under simulated operation.” The Examiner is not free to ignore this explicit language. On the other hand, in Bigo, the “asynchronous tasks” are not service program code means.”

In addition, “asynchronous” is not the same as “rate independent.” To equate these two concepts requires a comparison of apples to oranges. “Asynchronous” implies that events are

occurring at no particular rate (otherwise they would be “synchronous”) , while “rate independent” implies that events are happening at particular rates, which rates are independent from each other.

Finally, Applicant respectfully submits that the Examiner’s statement of a motivation to combine does not meet the threshold required of a *prima facie* obviousness rejection. In particular, assuming for the sake of argument that Bigo discloses “how to transform computing overloads into a computing load that is better partitioned over time without affecting too much of the computing load of the processor” as alleged, this does not translate into a motivation to modify Willis with the disclosure of Bigo. For example, the Examiner has not pointed to any disclosure in Willis (or any other disclosure) that “computing overloads” exist in the Willis system. As another example, the Examiner has not shown that, even if there was disclosure that such computing overloads exist in the Willis system, one skilled in the art would realize that there would be a reasonable expectation the proposed modification would be successful in addressing the computing overloads.

In summary, it is respectfully submitted that the Examiner has resorted to picking and choosing various features, recited in the claims, from a number of references and cobbled them together in an attempt to allege a combination that yields what is claimed. As discussed in detail above, not only does the alleged combination not yield what is claimed, but also, the alleged motivation to combine the references does not support a *prima facie* obviousness rejection.

With specific respect to claim 8, the Examiner further alleges that a motivation to modify Willis in view of Srinivasta is that Srinivasta “discloses a method to reduce maintenance costs and information loss.” As discussed above with respect to the alleged motivation to combine Willis and Bigo, the alleged motivation to combine Willis and Srinivasta is also deficient. This vague notion of reducing maintenance costs and information loss set forth in Srinivasta not only does not suggest how one would go about modifying Willis to achieve such reduction, but also, does not show that the combination would provide a reasonable expectation of success in achieving such reduction.

With regard to claim 2, the Examiner alleges that Srivastava discloses “. . . writing the determined simulated attributes to the image; and to write the determined simulated attributes of the object to the object database . . .” However, as discussed above, Srivastava does not even disclose a

simulation. The “source code” being preprocessed has nothing to do with a simulated environment. Thus, Srivastava clearly cannot be considered to disclose determining simulated attributes and “writing” the simulated attributes to an image and to an object database.

With regard to claims 3 and 10, Applicant recognizes that pointers in general are well-known. Willis, for example, discloses “updating a pointer.” However, there is nothing in Willis that discloses the claim feature of associating an image of at least a portion of an object (relative to a database of simulated attributes) by changing a pointer for the object in the object database to point to the image.

Regarding claims 4 and 11, the Srinivasta notification has nothing to do with notification that an image is being associated with an object database.

Regarding claims 5 and 12, as with pointers and notification as discussed above, a general description of “associative software hash tables” does not describe “synchronizing” as set forth in these claims.

Regarding claims 6 and 13, and claims 7 and 14, as above, the general description in the cited references does not describe the features set forth in these claims.

Obviousness Rejection -- Claims 1 and 8, Rompaey in view of Ueno

Claims 1 and 8 are rejected as being obvious. The Examiner contends that Rompaey and Ueno yield the subject matter of these claims and that one would be motivated to modify Rompaey in view of Ueno. Applicant respectfully traverses the rejection.

First, it is not clear to which part of Rompaey the Examiner is referring as disclosing a simulation generally. It appears that the Examiner references fourteen figures of Rompaey as disclosing writing simulated attributes to an object database. Where, as here, a cited reference is complex, the Examiner is required to make *specific* citations to the references in support of a

rejection. Applicant can find nothing in the Rompaey reference that discloses “services” as recited in the claims. Nor can applicant find anything in Rompaey that discloses write queues or coherent views as recited in the claims.

Furthermore, while the Examiner contends that Ueno discloses rate independence, it appears that Ueno in fact discloses an interrupt system that responds to asynchronous events. As discussed above, asynchronicity is not the same as rate independence.

In any event, even if Rompaey disclosed all of the features of the rejected claims except “rate independence” as recited in the claims, and Ueno disclosed this feature missing from Rompaey, the Examiner’s stated motivation to combine is faulty. A disclosure of “a way to easily construct an interrupt handler” in Ueno is hardly a motivation to modify Rompaey to include such an interrupt handler. (As an aside, the concession by the Examiner that Ueno is relied upon solely for a disclosure of an “interrupt handler” bolsters Applicant’s contention that Ueno fails to disclose the “rate independent” feature recited in the rejected claims.) Why would a disclosure of a way “to easily construct” something motivate one to include that something in a particular system? One may be able to “easily construct” a paper airplane? What would motivate one to include the easily constructed paper airplane as part of a desk chair? The Examiner’s stated motivation does not appropriate contribute to a proper *prima facie* case of obviousness.

CONCLUSION

Applicants have, by way of the remarks presented herein addressed all issues that were raised in the outstanding Office Action. Applicant respectfully contends that this Amendment has overcome the rejections and that the pending claims are in condition for allowance. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 514292000100. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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